

CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
FEBRUARY 13, 2007  
CITY HALL COUNCIL CHAMBERS @ 12:00 NOON

- ❑ Call to Order by Chairperson Steve Miller
- ❑ Approval of Minutes
- January 23, 2007 -Regular Meeting

**PRESENTATION OF COMMUNICATIONS:**

- A Public Hearing to determine if it is in the public interest to grant a Special Exemptions Permit for WHS Real Estate Group at 1110 Beck Avenue to have a decreased amount of parking spaces for their newly proposed businesses. The applicant would like to renovate the building into a dental office and also incorporate two rental spaces at 1110 Beck Avenue. The applicant proposes providing 6 parking spaces in the back of their building and the Ordinance outlining parking requirements for this proposal stipulates 15 off-street parking spots. The applicant is requesting a special exemption for a decreased number of parking spaces. The applicant sent out 12 notifications to neighbors within 140' of the property notifying them of a public hearing on January 23, 2007. The City sent notice notifying all neighbors that the public hearing date was changed to February 13, 2007 due to legal notice requirements. Of the neighbors notified, 3 neighbors had objections, 6 neighbors had no objections, and 3 neighbors did not reply.
1. An application has been submitted requesting a Special Exemptions Permit for WHS Real Estate Group at 1110 Beck Avenue to be granted 6 parking spaces at their newly proposed business. The applicant would like to renovate the building into a dental office and also incorporate two rental spaces at 1110 Beck Avenue. The applicant proposes providing 6 parking spaces in the back of their building and the Ordinance outlining parking requirements for this proposal stipulates 15 off-street parking spots. The applicant sent out 12 notifications to neighbors within 140' of the property. 3 neighbors had objections, 6 neighbors had no objections, and 3 neighbors did not reply.

Action: *Approve/approve with conditions/denial of the Special Exemptions Permit for WHS Real Estate Group for a decreased amount of parking spaces (6 spaces) at 1110 Beck Avenue.*

Staff Comments: City Ordinance 20.1-4 requires that "When more than seventy-five percent of a structure has been replaced or reconstructed over a period of less than five years or when a use of property is changed to a more restrictive classification, such structure or use shall be subject to the parking requirements of section 20.1-3 of this chapter for new structures of uses". In addition, Section 20.1-2 requires that "no building permit shall be issued until the applicant has presented satisfactory evidence to the building inspector that the parking and loading facilities required by the provisions of this chapter will be provided and maintained". This project proposal identifies a change of use at this address. The other facility that was at this address was primarily used at night and on weekends and they had agreements with the banks for use of their parking. It does not appear that the previous parking agreements are applicable as the banks are open at the same time as this use would be and they have not responded with any comments to this proposal. There is parking along the street, but parking requirements as spelled out by the Ordinance are supposed to be met

off-street (within the property boundaries of the site plan). If the P&Z Board is inclined to grant a Special Exemption, then the P&Z Board must find the following:

1. The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;
2. The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;
3. The special exemption is the minimum deviation from the specifications of the Zoning Ordinance necessary and adequate for the proposed activity, structure or use;
4. The benefit sought by the applicant can not be achieved by some other method, feasible for the applicant to pursue, other than a special exemption;
5. Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use; and
6. The special exemption is consistent with the goals, policies and future land use map of the Master Plan.

Spokesperson:           Jeremy Hill, Jerry Thiel  
Staff Reference:         Steve Payne

2. An Architectural application has been submitted by Jerry Thiel dba with WHS Real Estate Group. The applicant would like to do façade renovations to the Hill Family Dentistry Building located at 1110 Beck Avenue. The applicant is proposing changing out the existing front windows and replacing them with doors. There is existing landscaping of the property which will not be augmented. The sign on the dental portion of the building will be 8'0" x 4'0" and it will read Hill Family Dentistry, Jeremy W. Hill DDS. The color will be a Tan background with dark brown lettering. The lighting will consist of a cutoff wall pack metal halide. The size of the signs of the office rental spaces will be 6'0" x 4'0", coloring and lighting will be the same as the dentistry sign, wording will not be known until the spaces are rented.

Action: *Approval/Approval with conditions/Denial, the architectural plan to renovate the façade at 1110 Beck Avenue.*

Staff Comments: Staff has no concerns with the planned external improvements other than the parking requirements must be met before a building permit can be issued.

Spokesperson:           Jerry Thiel  
Staff Reference:         Steve Payne

3. A letter has been received by Loretta Alexander dba the Willow Fence Tea House located on Lot 70, Henson East Addition, 1913 Stampede Avenue requesting advisement on a renovation to her building and her business use hours.

Action: *Approval/Approval with conditions/Denial, the renovation of a building and change of business hours for Loretta Alexander dba the Willow Fence Tea House located at 1913 Stampede Avenue.*

Staff Comments: On January 22, 2002 the Planning & Zoning Board at the regularly scheduled meeting approved a Tea House located at 1913 Stampede Avenue as suitable as a "home business". The approval of the "home business" was granted with the understanding that the hours of operation would be Wednesday-Friday from 11 AM to 3 PM and that the operation would be confined to a 24' x 25' area within the house. On January 15, 2007 the

applicant requested a building permit to do an expansion of the building. The expansion would include modifications to the kitchen area and connect the garage to the house. By Ordinance a “home business” must meet and fall within the following limitations:

- a. Service shall be the primary function of the business with no merchandising and with very limited dispensing of goods, which goods must be directly related to the services rendered.
- b. A business use shall be incidental and secondary to the use of the structure as a dwelling and the business shall be conducted exclusively by the family residing therein without any employees.
- c. The business use shall be conducted entirely within the structure used as a dwelling or the permitted accessory building. There shall be no exterior storage upon the premises of material or equipment relating to or involved in the home business.
- d. Any home business sign, insignia or identification number shall not exceed three hundred square inches and shall be attached to a wall of the structure.
- e. The total area devoted to the business shall not exceed one-half of the total area of the structure occupied as a dwelling.
- f. A home business that can reasonably be expected to have clients come upon the premises shall provide the off-street parking required by the city ordinances in addition to that required for a dwelling.
- g. The structure wherein home business is operated shall conform to neighboring structures in general appearance, size, location on lot and quality of construction.

The applicant was informed that she would need to come before Planning & Zoning to discuss her plans for the expansion to determine if the board agrees that she is still operating as approved in 2002. If the Board does not believe the project is in compliance with the current regulations, she may need to either request a Special Exemption permit for this building addition or request a zone change in order to comply with the current regulations.

Spokesperson: Loretta Alexander  
Staff Reference: Steve Payne

4. An application has been submitted for Adele F. Nemitz by Campbell & Associates for the review a Final Plat for the Nemitz Simple Subdivision SS-66. The property is located within the 1 mile boundary of city limits on the south side of the Greybull highway across from the old Sage Creek Community Club. The proposal is for a two lot subdivision with lot #1 being ~5.28 acres and lot #2 as ~11.57 acres. Irrigation will be supplied from the Schultz Lateral of the Cody Canal under Permit #1042. Existing utilities consist of underground telephone at the North & East sides of the subdivision. Northwest Rural water will be supplied from the East side of the subdivision and overhead power is located on the East side of Sunrise Road.

Action: *Recommend to Council, Approval/Approval with conditions/Denial, the Final Plat for the Nemitz Simple Subdivision #66.*

Staff Comments: Engineer of record will need to add a signature box to the Final Plat for appropriate approval signatures by the City.

Spokesperson: Paul Campbell  
Staff Reference: Steve Payne

**Information:**

At the last P&Z meeting, members questioned the landscape bond process that has been in effect through the engineering office since March 23, 2004. In January of this year, an audit of landscape bonds was done. Included in your packet is a listing of completed projects and projects that are currently being tracked for landscape compliance.

**Tabled Items:**

Zone Change request submitted by Iron Creek Energy Group, LLC requesting a zone change from “D-1” limited business to “D-2” General Business on Lot 9 of the Adix Addition. Applicant will be re-submitting request for a future P&Z meeting.